



01-22-08

Attorney's Docket No.: 17601-019001 / BB 067083.0161

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Joseph A. Zupanick et al.      Art Unit : 3673  
Serial No. : 10/003,917      Examiner : John J. Kreck  
Filed : November 1, 2001      Conf. No. : 7751  
Title : METHOD AND SYSTEM FOR SURFACE PRODUCTION OF GAS FROM A  
SUBTERRANEAN ZONE

**MAIL STOP AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**

Applicant requests consideration of the materials listed on the attached PTO-1449 form. The materials relate to a suit involving patents to which the above-mentioned application claims priority. Specifically, the suit is CNX Gas Corporation and CNX Gas Company LLC vs. CDX Gas, LLC, Civil Action No. 05-1574 in the Western District of Pennsylvania, and concerns U.S. Patent Nos. 6,357,523; 6,561,288; 6,604,580; 6,679,322; 6,964,298; and 6,976,533.

The materials includes the parties' complaints and answers, contentions, responses to interrogatories and requests for admissions, filings related to claim construction and filings related to summary judgments on entitlement of the asserted claims to the filing date of the 6,280,000 patent. The Court has ruled on claim construction and has ruled that the asserted claims are entitled to the filing date of the 6,280,000 patent. The Court's rulings and orders concerning these two subjects are included. The suit is not over, and is likely to generate additional information. While the present application is pending, Applicant will provide any such additional information that it believes may be material to patentability of the present application.

The suit has produced a substantial volume of information, and this submission does not include it all. However, Applicant has included, in this submission and a separate submission of proprietary information in accordance with MPEP § 724, the parties' filings relating to summary judgment concerning infringement, willfulness, validity and enforceability of the patents in suit. The parties' filings relating to summary judgments on damages were omitted. The filings

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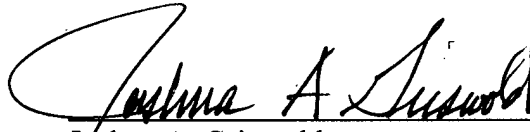
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submitted by Applicant are believed to be representative of the information the parties' deemed most relevant to the Court. Notably, Applicant has also included the Court's docket for the case. To the extent the Examiner identifies from the docket or otherwise believes there is any additional information that may be material to patentability of one or more of the claims of the present application, the Examiner is encouraged to contact the attorneys for Applicant to request such information.

Finally, Applicant appreciates the volume of the materials submitted herewith, and hereby offers to visit the Patent Office in person in order to facilitate the Examiner's review and answer any questions.

This statement is being filed before the receipt of a first Office Action on the merits after a Request for Continued Examination. No fees are believed due. However, the Commissioner is hereby authorized to charge any other deficiencies or required fees or any credits to deposit account 06-1050, referencing the attorney docket number shown above. Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

  
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Joshua A. Griswold  
Reg. No. 46,310

Date: January 18, 2008

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